



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,175	03/12/2004	Chih-Tsung Lin	24061.60 (TSMC2003-0191)	8620
42717	7590	08/22/2006	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			HIRL, JOSEPH P	
			ART UNIT	PAPER NUMBER
			2129	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,175

Applicant(s)

LIN, CHIH-TSUNG

Examiner

Joseph P. Hirl

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date A1.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are pending in this application.

Information Disclosure Statement

2. The information disclosure statement filed March 12, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because copies of non patent document were not provided. It has been placed in the application file, but the information referred to concerning the non-patent documents has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-24 are rejected under 35 U.S.C. § 101 for nonstatutory subject

matter. The computer system must set forth a practical application of § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application

In determining whether the claim is for a “practical application,” the focus is not on whether the steps taken to achieve a particular result are useful, tangible, and concrete, but rather that the final result achieved by the claimed invention is useful, tangible and concrete. If the claim is directed to a practical application of the § 101 judicial exceptions producing a result tied to the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S. C. § 101.

The invention must be for a practical application and either:

- 1). specify transforming (physical thing – article) or
- 2). have the Final Result (not the steps) achieve or produce a
useful (specific, substantial and credible),
concrete (substantially repeatable / non unpredictable), and
tangible (real world / non abstract) result
(tangibility is the opposite of abstractness).

A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended, and if the specification discloses a practical application but

the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended.

Claims that define a hierarchy, couple implementation connectivity relationship, represent relationships, identify data targets, include a conceptual layer stored in a storage unit and include a logic layer coupled to the conceptual layer⁴ are non statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasravi (USPubN 20040249829, referred to as **Kasravi**).

Claims 1, 10

Kasravi anticipates defining a hierarchy of interests in the semiconductor knowledge with data targets and results (**Kasravi**, Fig. 2; Examiner's Note (EN): semiconductor knowledge is descriptive terminology and not functionally distinct); storing the hierarchy of interest (**Kasravi**, ¶ 0014); developing a connectivity relationship diagram to reflect the dependency between the data targets and the results (**Kasravi**,

Art Unit: 2129

Fig. 2); implementing the connectivity relationship diagram (**Kasravi**, Fig. 2); coupling the implemented connectivity relationship diagram with the stored hierarchy of interest(**Kasravi**, Fig. 2; ¶ 0014); identifying at least one data source for the data targets (**Kasravi**, ¶ 0038); and coupling the implemented connectivity relationship diagram to the at least one data source (**Kasravi**, Fig. 3; EN: a master logic diagram is simply a relationship diagram of Fig. 2).

Claim 2

Kasravi anticipates the connectivity relationship diagram represents physical, logical and uncertain relationships (**Kasravi**, Fig. 3; ¶0004, ¶0005).

Claim 3

Kasravi anticipates the connectivity relationship diagram is a dynamic master logic diagram (**Kasravi**, ¶0005; EN: such is the relationships (logic) set forth in Fig. 2).

Claim 4

Kasravi anticipates data source is a dynamic master logic diagram (**Kasravi**, ¶0005; EN: such is the relationships (logic) set forth in Fig. 2 and the related data).

Claims 5, 13, 19

Kasravi anticipates the data source is a legacy server (**Kasravi**, ¶0047).

Claims 6, 14, 20

Kasravi anticipates the legacy server data is accessed by an enterprise

Art Unit: 2129

application integrator (**Kasravi**, ¶0045; ¶0046; ¶0047; EN: such is software; an integrator or application program will bind logical steps with a data source of a computer or server).

Claims 7, 15, 21

Kasravi anticipates the data source is a database (**Kasravi**, ¶0047).

Claims 8, 17, 24

Kasravi anticipates inferring states of the data targets from states of the results (**Kasravi**, ¶0006); and diagnosing a source of an anomaly in the data targets (**Kasravi**, ¶0006).

Claims 9, 16

Kasravi anticipates automatically updating the database with the results (**Kasravi**, ¶0043).

Claim 11

Kasravi anticipates a dynamic master logic diagram comprise of a conceptual layer, a logic layer and an implementation layer (**Kasravi**, ¶0003; EN: individual are the implementation layer, reporting assignments is the logic layer and communication patterns is the concept layer).

Claim 12

Kasravi anticipates the data source is a second dynamic master logic diagram (**Kasravi**, ¶0047; EN: such is the node/link database).

Art Unit: 2129

Claim 18

Kasravi anticipates at least one data source (**Kasravi**, ¶0047); a conceptual layer stored in a storage unit; and a logic layer coupled to the conceptual layer and at least one data source (**Kasravi**, ¶0047; ¶0003; EN: individual are the implementation layer, reporting assignments is the logic layer and communication patterns is the concept layer).

Claim 22

Kasravi anticipates manufacturing requirements documents are stored in the database (**Kasravi**, ¶0047; ¶0003; EN: manufacturing requirements documents are tools which would be stored in a database).

Claim 23

Kasravi anticipates an updating mechanism that updates the database with the changes in the conceptual layer(**Kasravi**, ¶0047; EN: such is new inferred knowledge).

Examination Considerations

6. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The

Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

7. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

8. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

9. Examiner's Opinion: ¶¶ 6.-8. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

10. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

- Libert et al, USPN 6,574,655
- Stier et al, USPN 6,560,589
- Monta et al, USPN 5,914,875
- Doan et al, USPubN2005/0060647
- Reis et al, USPN 5,341,142
- Cava et al, IEEE, Node-Edge Diagram Layout for Displaying Hierarchies
- Erwig et al, IEEE, Explicit Graphs in a Functional Model for Spatial Databases

11. Claims 1-24 are rejected.

Correspondence Information

12. Any inquiry concerning this information or related to the subject disclosure should be directed to the Primary Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David R. Vincent can be reached at (571) 272-3080.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

Receptionist,

Customer Service Window,

Randolph Building,

401 Dulany Street,

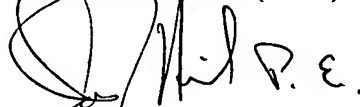
Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 273-8300 (for formal communications intended for entry.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Joseph P. Hirl
Primary Examiner
August 16, 2006